

Remarks

Claims 1 and 3 to 17 inclusive are being prosecuted.

Claim 1 has been amended to more clearly defines the invention. T claimed invention is preferably constructed as an Inflatable devices and on review in view of the latest references cited it became apparent the fact that the portions were inflatable was important to obtaining the desired results required to practice the invention (that coupled with the fact that in the floatation device used commercially is an Inflatable) as inflatability makes it easier to obtain the required buoyancy in the required locations so that the user floats higher in the water (see page 4 line 2) and in a more upright position i.e. so that the orientation angle β of the floating user is between 45 and 90 degrees as claimed and as described in the specification. This is significantly different from the degree of floatation and orientation described as being achieved and/or desired to be achieved by the structures of the prior art particularly the floatation orientation specified as being obtained by the structure of the device invented by Sabo.

Reconsideration of the rejections of claims under 35 USC §103(a) in view of the combination of Jarvis and Sabo is respectfully requested in the light of the following.

Jarvis relates to a different form of buoyancy device to that of Sabo and the present invention in that Jarvis is directed to an improved "a molded PVC foam floatation jacket" (see column 1 lines 15 and 16) and Sabo (and the present invention) is to an inflatable floatation vest. Thus it is difficult to combine the teaching of these two references. It is not apparent how, or even whether, the essential features required by Jarvis could not be obtained in an inflatable floatation device and similarly the features required by Sabo probably would not all be available in a molded PVC floatation device

The new combination of Jarvis with Sabo no matter how combined does not teach how to obtained the required results that make the present invention an improvement over what has been used in the past (it (the invention) has been adopted by the armed forces because of its improved performance (higher floatation and the angle β)). Combining Jarvis with Sabo does not provide

- teaching of terminating the lateral portions behind the user as defined in the claims ,
nor

- does the combination teach how someone could construct the device so that the construction lateral portions, front portions and the rear portion combine to cause floatation at the desired orientation, nor do
- the teachings of these patents taken singly or in combination do not direct one to strive for the results required to practice the present invention and clearly do not show or suggest the construction taught and claimed herein.

The Examiner contends that the "lobes" of Jarvis as shown in Figure 5 extend around the back of the user. However on review of Figure 5 it is clear that Figure 5 embodiment of Jarvis is a full jacket structure with a fully integrated or combined back, under arm and breast (front) portions a clearly does not show any form of "lobe" structure. Claim 1 as amended has further emphasized the lobe structure i.e. the fee ends of the W-shape, by the limitation

"and terminating in an end of said W-shape that in operative position on a user will provide a portion of said lateral portion positioned behind said user"

if one were to apply the teaching of Jarvis to Sabo one would convert the vest of Sabo to a jacket and significantly distort Sabo so that his teaching would be negated and therefore it is submitted that such a combination of Sabo and Jarvis is not a reasonable combination that one would arrive at based on the teachings of these patents.

In none of the other embodiment of Jarvis where structures more closely approaching a vest are disclosed do the lateral portions connected to the front extend around to the back of the user.

As previously pointed out it is the intention of Sabo and an important feature of the Sabo device that the user be made to float on his back and Sabo has structured his device accordingly. Sabo's invention has the intended effect of making the user float on his back. Sabo specifically states in the paragraph beginning at column 8 line 36 that

"each has its center of buoyancy at and somewhat above the front of the wearer's torso so that the wearer is compelled to float upon his back -----"(emphasis added)

Contrast that the present invention which is structured to ensure that the user float a floatation angle β of between 45 and 90 degrees as described in the specification and claims of the instant application. See the last few lines of claim 1 as currently amended which read ,

"the construction of said lateral portions, said front portions and said rear buoyancy area combining to cause said user to float higher above water level than conventional

floatation devices and in an upright position at an angle β of between 45 and 90 degrees". -----".

Definitely the structure disclosed and claimed by Applicant and required to obtain the defined orientation angle β is not shown in Sabo or obvious from the teachings of Sabo or Sabo in combination with Jarvis.

The Examiner contends that the degree to which the lobes extends is an obvious matter of choice, it is submitted, has no foundation based on the references none of the references cited shown the lobes being positioned around the back of the user nor do any shown the claimed angle "angle β of between 45 and 90 degrees"

The range 45 to 90 degrees defines the limits of flotation position which result in the least instances of mouth immersion.

The lateral projections, which as defined in claim 1 pass under the arms and extend to have a portion thereof at the back of the wearer, provide the buoyancy necessary to produce the higher than normal freeboard. The construction of the lateral projections in combination with front portions and the rear portion as defined by the claim obtains the "angle β of between 45 and 90 degrees" The lobes (lateral portions) extending behind the user tend to keep the buoyancy relatively constant as the torso inclines backwards, thereby maintaining freeboard. If the lateral projections were shorter and did not extend to a position behind the user as defined in claim 1 the buoyancy would be reduced as the backwards leaning angle increases.

As previously indicated alone, these projections would produce an unstable floatation position with the wearer tending to pitch forward into a face down position or backwards into a face up position. The front lobes, which are located in a normal position, close to the body on either side of the chest, resist the forwards tendency. The back portion resists the backwards rotation.

Clearly the orientation angle β is not simply defining. Function, as previously indicted the device of the present invention must have specific structural elements, with positions, sizes, etc. for this orientation to be achieved. The specific structure required to obtain this orientation angle β of 45 to 90 is now even more clearly specified in Claim 1 as currently amended and clearly defines another structural difference between this invention and Sabo


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The Evert reference does not provide the teachings missing from Jarvis and/or Sabo. The use of belts per se is well known however the dependent claims rejected in view of this combination of references are directed to a specific structure that incorporates belts not simply to belts.

The other references cited but not applied and Applicant concurs with the Examiner that these references are interesting but do not teach or render obvious, the present invention.

It is believed that this application is now in condition for Allowance and such action is respectfully requested.

Respectfully submitted,


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